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LETTER DATED 2 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the work of the informal Working Group of the Security Council concerning the Council's documentation and other procedural questions.

In this context, I shall draw attention, first of all, to the recent proposal by the United Kingdom to change the nomenclature of statements made by the President of the Security Council.

I shall then make some general observations on the basis of our preliminary analysis of the United Kingdom initiative.

1. With regard to the proposal by the United Kingdom to retitle Presidential statements made on behalf of the Security Council "statements on behalf of the Security Council", we note that the original proposal has been modified, eliminating all reference to the stipulation that these statements be read out only in a formal meeting of the Council.

The new wording not only leaves open the possibility of invoking certain earlier experience related to the question but also maintains what is, in our understanding, the essential minimum of flexibility needed on this issue.

For these reasons, and expressly and formally subject to this condition, we would now be in a position to support the proposal by the United Kingdom on the basis of the terms of the consensus on the matter.

2. Notwithstanding the above, I should like to take this opportunity to open a discussion of some of my delegation's serious concerns which are directly linked to the question under review and have not yet been duly resolved.

At present, the Security Council expresses itself through two principal channels.

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First, it adopts "resolutions", which can be defined, in short, as documents expressing the Council's will and giving rise to commitments.

It also issues "statements" that express the opinion of those issuing them.

There are three types of statements, all of which, in accordance with established practice, are circulated as official documents of the Security Council.

These statements are generally submitted and debated in "informal consultations". Their texts must be unanimously agreed during these consultations.

The three types of statements are as follows: those released to the press, those submitted to the Secretariat to be directly circulated as Security Council documents and those which are read out at formal meetings of the Council.

It should be recalled that the President of the Council also makes "statements to the press", which are defined at informal meetings on the basis of general guidelines; he may also issue statements on his own initiative.

The presentation of the United Kingdom proposal requires us to think about all the potential consequences of an initiative which, at face value, seems to be a simple change of nomenclature, but which might have more profound implications.

In this context, we should recall that "statements" are, strictly speaking, a relatively new Security Council instrument whose use has increased considerably, in practice, in recent years.

Curiously, the Council has never defined the scope, content or nature of the documents it issues, not even in its rules of procedure or in its interpretive documents.

None the less, very recently - since 1993, to be more precise - a trend which we do not necessarily support has been emerging to regard the "statements" that are read out during formal meetings as being made "on behalf of the Council". It is argued that those statements which simply arise out of the work of the Council during informal meetings should be made, on the other hand, "on behalf of the members of the Council".

Our delegation feels that the potential consequences of accepting this new "distinction" should be duly evaluated in advance.

We must determine why an effort is being made to draw a conceptual distinction of such magnitude, in particular since it could have implications with regard to the very nature of the type of meeting from which, in each case, the "statements" arise.

It is also time to address, in a serious manner, the issue of the very nature of "informal" meetings, which are now the Council's primary working instrument, in terms of time.

Do the provisions of Article 31 of the Charter apply - as we, for example, would argue - to these meetings? For us, there is no doubt that they do.

It must be admitted that, whether we like it or not, some very momentous decisions are being adopted at these meetings on such matters as the sending of notes or letters, the definition of Security Council "missions" and the negotiation and adoption of the actual texts of all the resolutions and "statements" of the Security Council.

All these issues must be carefully evaluated, since they have much to do with the transparency and accountability of the Council's work.

We therefore propose that the Working Group undertake, without delay, a period of reflection on these matters, to enable it to harmonize criteria and perhaps adopt some guidelines, notwithstanding any parallel efforts being made in the General Assembly.

For all the foregoing reasons, we trust that the President will allow the Working Group to devote its attention to seeking to resolve the concerns expressed in this letter, to which we attach high priority.

In our view, this step has become essential, and it does not seem advisable to postpone - for perhaps secondary reasons - making the necessary effort to bring a minimum of clarity and transparency to a situation that could be defined as somewhat confused.

We should be grateful if you would arrange to have this letter distributed as a document of the Security Council.

(Signed) Emilio J. CARDENAS
Permanent Representative